

Agency Legislative Budget

The following table summarizes the total legislative budget for the agency by year, type of expenditure, and source of funding. Also included in the table is HB 447 pay plan allocation.

Agency Legislative Budget								
Budget Item	Base Budget Fiscal 2004	PL Base Adjustment Fiscal 2006	New Proposals Fiscal 2006	Total Leg. Budget Fiscal 2006	PL Base Adjustment Fiscal 2007	New Proposals Fiscal 2007	Total Leg. Budget Fiscal 2007	Total Leg. Budget Fiscal 06-07
FTE	3.00	0.00	0.00	3.00	0.00	(3.00)	0.00	0.00
Personal Services	145,942	6,961	4,291	157,194	6,888	(152,830)	0	157,194
Operating Expenses	40,673	15,273	3,819	59,765	11,758	(52,431)	0	59,765
Total Costs	\$186,615	\$22,234	\$8,110	\$216,959	\$18,646	(\$205,261)	\$0	\$216,959
General Fund	186,615	22,234	8,110	216,959	18,646	(205,261)	0	216,959
Total Funds	\$186,615	\$22,234	\$8,110	\$216,959	\$18,646	(\$205,261)	\$0	\$216,959

Agency Description

The Office of the Appellate Defender is a single program agency administratively attached to the Department of Administration. The Appellate Defender is hired by, and serves at the pleasure of, the Appellate Defender Commission. The Appellate Defender provides legal counsel for indigent persons who have been convicted and who then appeal district court convictions, or who petition for post-conviction relief from district court proceedings. The Appellate Defender also aids the commission by compiling and maintaining a current roster of Montana attorneys who are eligible to serve as trial and appellate defense counsel for the indigent, if appointed by an appropriate court.

Agency Highlights

Appellate Defender Major Budget Highlights
<ul style="list-style-type: none"> ◆ The FTE and funding for the Appellate Defender are moved to a separate program in the Office of State Public Defender beginning in FY 2007 ◆ Major funding adjustments prior to the transfer included: <ul style="list-style-type: none"> • Funding for continuing education costs to attend training in areas of appellate law applicable to state appeals cases and for long-distance telephone costs for calls to clients in state prisons added \$10,194 • Other increases were for statewide present law adjustments, pay plan adjustments, increased administrative costs paid to the Department of Administration, and one-time-only funding to replace computers

Summary of Legislative Action

The legislative budget for general fund is an increase of \$30,000 for FY 2006 over the base of \$187,000. The legislative budget includes funding for both HB 2 and HB 447. HB 447 funds the state employee pay plan for the 2007 biennium and accounts for \$4,000 of the increase in FY 2006. Other factors for the increase are for:

- Statewide present law adjustments
- Telecommunication costs to contact clients incarcerated in state prison facilities
- Training and continuing education costs to maintain qualification in areas of appellate law applicable to state appeals cases
- Computer replacement costs
- Cost increases for services provided by the Department of Administration for administrative support

The agency will be a budgeted program of the Office of State Public Defender after it is transferred to this function in FY 2007. Funding appropriated for the function in FY 2007 in the Office of State Public Defender is comparable to the FY 2006 appropriation.

Other Legislation

Senate Bill 146 - SB 146 establishes a statewide public defender system and an Office of State Public Defender. The office will consist of two budgetary programs, one of which is the Appellate Defender Program. HB 2 funding and staff of the Appellate Defender will remain with the Appellate Defender Office for FY 2006, but will be moved to the Office of State Public Defender for FY 2007. SB 146 has become law.

Executive Budget Comparison

The following table compares the legislative budget for the 2007 biennium to the budget requested by the Governor, by type of expenditure and source of funding.

Executive Budget Comparison								
Budget Item	Base Budget Fiscal 2004	Executive Budget Fiscal 2006	Legislative Budget Fiscal 2006	Leg – Exec. Difference Fiscal 2006	Executive Budget Fiscal 2007	Legislative Budget Fiscal 2007	Leg – Exec. Difference Fiscal 2007	Biennium Difference Fiscal 06-07
FTE	3.00	3.00	3.00	0.00	3.00	0.00	(3.00)	
Personal Services	145,942	149,753	157,194	7,441	149,680	0	(149,680)	(142,239)
Operating Expenses	40,673	50,849	59,765	8,916	47,334	0	(47,334)	(38,418)
Total Costs	\$186,615	\$200,602	\$216,959	\$16,357	\$197,014	\$0	(\$197,014)	(\$180,657)
General Fund	186,615	200,602	216,959	16,357	197,014	0	(197,014)	(180,657)
Total Funds	\$186,615	\$200,602	\$216,959	\$16,357	\$197,014	\$0	(\$197,014)	(\$180,657)

The legislative budget is \$181,000 lower than the executive budget for the biennium. For FY 2006, the legislative budget is \$16,000 more than the executive budget. For FY 2006, the primary differences between the legislative and executive budget are:

- State employee pay plan adjustments for the 2007 biennium
- Funding for telecommunications costs for staff to telephone clients in state prison facilities
- Funding for continuing education to maintain qualifications in areas of appellate law applicable to state appeals cases

For the biennium, the legislative budget is lower than the executive budget because SB 146 transfers the Appellate Defender to a new Office of State Public Defender in FY 2007. The executive budget anticipated funding for the Appellate Defender for two fiscal years, while only FY 2006 is reflected in the legislative budget. The apparent reduction over the biennium for the Appellate Defender is due to the passage of SB 146 establishing a statewide public defender system and the associated organizational change. Since FY 2007 appropriations are not made in this agency but are made in the new Office of State Public Defender, the biennium funding shows a reduction from the executive budget.

Funding

Services provided by the Appellate Defender are funded entirely from the state general fund.

Present Law Adjustments

The "Present Law Adjustments" table shows the primary changes to the adjusted base budget made by the legislature. "Statewide Present Law" adjustments are standard categories of adjustments made to all agencies. Legislative decisions on these items were applied globally to all agencies. The other numbered adjustments in the table correspond to the narrative descriptions.

Present Law Adjustments										
-----Fiscal 2006-----						-----Fiscal 2007-----				
	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
Personal Services					6,961					6,888
Inflation/Deflation					(96)					(92)
Fixed Costs					3,610					3,637
Total Statewide Present Law Adjustments					\$10,475					\$10,433
DP 101 - Fixed cost and computer replacement										
	0.00	6,662	0	0	6,662	0.00	3,116	0	0	3,116
DP 103 - Communications and Training										
	0.00	5,097	0	0	5,097	0.00	5,097	0	0	5,097
Total Other Present Law Adjustments										
	0.00	\$11,759	\$0	\$0	\$11,759	0.00	\$8,213	\$0	\$0	\$8,213
Grand Total All Present Law Adjustments					\$22,234					\$18,646

DP 101 - Fixed cost and computer replacement - The legislature approved an increase of \$9,778 general fund for the biennium for increased office rent, personal computer replacements, and increases in indirect and administrative costs paid for administrative services provided by the Department of Administration. The legislature designated \$3,819 in FY 2006 for computer purchases as one-time-only.

DP 103 - Communications and Training - The legislature approved an increase of \$10,194 general fund for the biennium to restore funding for communications and training. Training increases include funding for travel to attend out-of-state continuing education training required to maintain qualification in areas of appellate law applicable to state appeals cases.

New Proposals

New Proposals										
-----Fiscal 2006-----						-----Fiscal 2007-----				
Program	FTE	General Fund	State Special	Federal Special	Total Funds	FTE	General Fund	State Special	Federal Special	Total Funds
DP 105 - Public Defender System - SB 146										
01	0.00	3,819	0	0	3,819	(3.00)	(205,261)	0	0	(205,261)
DP 6010 - 2007 Biennium Pay Plan - HB 447										
01	0.00	4,291	0	0	4,291	0.00	0	0	0	0
Total	0.00	\$8,110	\$0	\$0	\$8,110	(3.00)	(\$205,261)	\$0	\$0	(\$205,261)

DP 105 - Public Defender System - SB 146 - The legislature approved moving the funding from the Appellate Defender to a new agency to provide a statewide public defender system, beginning in FY 2007. The statewide public defender system was the result of SB 146, which moved functions in the Judicial Branch and the Appellate Defender into the new agency, Office of State Public Defender.

DP 6010 - 2007 Biennium Pay Plan - HB 447 - The legislature passed a pay plan in HB 447 that provides an additional 3.5 percent (or \$1,005, whichever is greater) in FY 2006 and an additional 4.0 percent (or \$1,188, whichever is greater) in FY 2007, as well as \$46 per month in insurance contributions in calendar 2006 and an additional \$51 per month in calendar 2007. These amounts represent the program's allocation of costs to fund this pay plan.

Reorganizations

Beginning in FY 2007, the Appellate Defender will cease being a separate agency and will become a program of a newly created Office of State Public Defender at which time the staff and budget of the current Appellate Defender agency will be transferred to the public defender office. The organizational change is the result of passage and approval of SB 146 that establishes a statewide public defender system.